

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOANIS GREGOS-GUTIERREZ,

Defendant.

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No. 20-03054-CV-S-MDH

ORDER

Before the Court is the Government’s Petition to Determine Present Mental Condition of an Imprisoned Person pursuant to 18 U.S.C. § 4246. On February 18, 2021, Defendant filed a Motion to Dismiss, wherein he requested “all deadlines and evaluations held in abeyance pending disposition.” (Doc. 17.) On September 28, 2021, the motion to dismiss was denied. (Doc. 36.) Accordingly, the stay of these proceedings is hereby lifted.

To rule on the underlying petition, the Court must now determine whether Defendant is “presently” suffering from a mental disease or defect. 18 U.S.C. § 4246(d). The most recent Risk Assessment Report is based on an evaluation which ended on January 6, 2021. (Doc. 16-1.) Because this evaluation took place nearly nine months ago, the undersigned is unable to make a recommendation based on the existing record. It is therefore **ORDERED** that the Government shall conduct an additional psychological examination of Defendant and prepare an updated report, to be filed on or before November 15, 2021.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: October 1, 2021